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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,748

06/27/2003

Rickey L. Morgan

HES 2003-IP-010139U1

7194

28857

7590

06/29/2005

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EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,748

Applicant(s)

MORGAN ET AL.

Examiner

Zakiya N. Walker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-185 is/are pending in the application.
- 4a) Of the above claim(s) 91-174 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 23-25, 33-35, 37-64, 68-70, 78-80, 82-90, 175 and 179 is/are rejected.
- 7) ☒ Claim(s) 20-22, 26-32, 36, 65-67, 71-77, 81, 176-178 and 180-185 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01032005 04042005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 13-19, 23-25, 33-35, 39-44, 46-53, 58-64, 68-70, 78-80, and 84-89 are rejected under 35 U.S.C. 102(b) as being anticipated by Fry et al.'317 (cited by applicant).

Fry et al.'317 discloses a method that includes cementing of a subterranean formation comprising the steps of: providing a cement composition comprising a hydraulic cement, water, and a fluid loss control additive, the fluid loss control additive comprising: an acrylamide copolymer derivative; an inorganic compound; and a hydratable polymer; placing the cement composition into the formation; and permitting the cement composition to set therein. With respect to further claims listed above, the reference teaches the fluid loss control additive comprising a graft polymer comprising a backbone comprising at least one member selected from the group consisting of lignin, lignite and their salts and a grafted pendant group comprising at least one member selected from the group consisting of 2-acrylamido-2-methylpropanesulfonic acid,

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acrylonitrile, N,N-dimethylacrylamide, acrylic acid, N,N-dialkylaminoethylmethacrylate wherein said alkyl radical comprises at least one member selected from the group consisting of methyl, ethyl and propyl radicals (col. 2, line 51 - col. 3, line 34); further comprising a hydratable polymer in the form of hydroxyethylcellulose or carboxymethylcellulose (table 1).

3. Claims 175 and 179 are rejected under 35 U.S.C. 102(b) as being anticipated by Peiffer et al.

Peiffer et al. discloses a method that includes a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron compound (see col. 3, M=iron compound). With respect to claim 179, the reference teaches an acrylamide polymer derivative.

4. Claims 175 and 179 are rejected under 35 U.S.C. 102(e) as being anticipated by Eoff et al.'552 (cited by applicant).

Eoff et al.'552 discloses a method that includes a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron compound (see col. 6, lines 8-16, M=iron compound). With respect to claim 179, the reference teaches an acrylamide polymer derivative.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 9 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al.'317 in view of Mehta et al.'255 (cited by applicant).

Fry et al.'317 discloses a method as stated above and including a dispersant. However, the reference fails to teach the dispersant comprising a water-soluble polymer prepared as called for in the claims.

Mehta et al. teaches a method that includes (col. 4, lines 34 - 41) the use of a condensation polymer product of acetone, formaldehyde and sodium sulfite as a

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dispersant in a fluid loss control additive (same trademark as the one in the instant application CFR-3TM) for the purpose of controlling the rheology of the cement slurry and stabilizing the cement slurry over a broad density range.

It would have been considered obvious to one of ordinary skill in the art at the time the invention was made to have provided the dispersant of Mehta et al.'255 in the composition of Fry et al.'317 in order to provide alternate dispersants to yield the beneficial properties within the cement slurry.

8. Claims 10-12, 37, 38, 45, 55-57, 82, 83, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al.'317 in view of WO'981 (cited by applicant).

Fry et al.'317 discloses a method as stated above and including a fluid loss additive. However, the reference fails to teach the fluid loss additive comprising a zeolite in the amount from 0.1-15% by weight of the fluid loss control additive as called for in the claims.

WO'981 teaches a method that includes a fluid loss agent (see page 10, lines 4-18 and claims) comprising 0.1-1wt% of zeolite for the purpose of stabilizing a cementitious composition by improving its flow properties.

It would have been considered obvious to one of ordinary skill in the art at the time the invention was made to have provided the zeolite of WO'981 in the fluid loss control additive composition of Fry et al.'317 in order to provide the beneficial flow properties within the cement slurry.

Allowable Subject Matter

9. Claims 20-22, 26-32, 36, 65-67, 71-77, 81, 176-178, and 180-185 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-185 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zakiya N. Walker
Primary Examiner
Art Unit 3672

ZW
June 16, 2005